

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION**

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In re:

WALTER SPAGNOLA,

Debtor.

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JULIA BASILE

Plaintiff,

-against-

WALTER SPAGNOLA,

Defendant.

CHAPTER 13

CASE NO. 11-36227 CGM

ADV PRO NO. 11-_____ CGM

COMPLAINT

Julia Basile by her attorney, Lewis D. Wrobel, Esq. as and for her complaint against Walter Spagnola alleges as follows:

1. This is an Adversary Proceeding brought pursuant to 11 U.S.C. Section 523(a)(6).
2. The Bankruptcy Court has jurisdiction over the subject matter of this Adversary Proceeding pursuant to 28 U.S.C. Section 1334. The Adversary Proceeding is a Core Proceeding pursuant to 28 U.S.C. Section 157(b)(2)(1).
3. Walter Spagnola, the debtor herein, filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on April 29, 2011
4. Julia Basile is a creditor of the debtor. She holds a Judgment against Mr. Spagnola in the sum of \$200,000.00

FACTS REGARDING CLAIM

5. On July 11, 2007 a Judgment was entered in the United States District Court for the Southern

District of New York in the case of Julia Basile v Walter Spagnola et al., Case No. 05 CV 10699 (LMS).

6. The basis for Ms. Basile's suit against Mr. Spagnola was sexual harassment.
7. After a jury trial, Ms. Basile was awarded \$150,000.00 in compensatory damages and \$50,000.00 in punitive damages. A copy of the Judgment of the U.S. District Court in the case of Julia Basile v Walter Spagnola et al., Case No. 05 CV 10699 (LMS) is attached hereto and marked "Exhibit A".

AS AND FOR A FIRST CLAIM

8. The Plaintiff restates and reiterates the allegations contained in Paragraphs #1 through #7 of the Complaint as if the same were fully and completely set forth herein.
9. Ms. Basile alleged in her District Court complaint against Mr. Spagnola that he, among other things, forcibly touched her in an inappropriate manner, offered her job security in return for sex, and stalked her at her place of residence.
10. The aforesaid claims were proved by witnesses at trial.
11. The actions of Mr. Spagnola toward Ms. Basile were willful and malicious and caused her great injury.
12. A jury in the U.S. District Court awarded Ms. Basile \$150,000.00 in compensatory damages and \$50,000.00 in punitive damages.
13. Mr. Spagnola has not made any payment to Ms. Basile for this debt.
14. The debt of Walter Spagnola to Julia Basile in the sum of \$200,000.00 should be excepted from dischargeability as Walter Spagnola incurred the debt by engaging in willful and malicious conduct that caused injury to Ms. Basile and therefore pursuant to 11 U.S.C. Section 523(a)(6) this debt should be deemed nondischargeable.

WHEREFORE, the Plaintiff, Julia Basile, respectfully prays for an Order determining the debt of Walter Spagnola to Julia Basile in the sum of \$200,000.00 plus interest from July 11, 2007 to be excepted from discharge pursuant to 11 U.S.C. Section 523(a)(6) together with such other and further relief as to this Court may seem just and proper.

Dated: Poughkeepsie, New York
August 1, 2011

/s/ Lewis D. Wrobel
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